

## REMARKS

In the action of July 5, 2011, the examiner rejected claims 6, 9 and 11 under 35 USC § 103 as unpatentable over Nakamura in view of Larkin; and rejected claim 12 under 35 USC § 103 as unpatentable over Nakamura et al. in view of Larkin and further in view of Gruber.

Applicant has again carefully reviewed the examiner's comments in the office action, in particular the comments with respect to the claims not being effectively limited by the previous amendment to a pre-filled bag, and further the comments with respect to the wing portions of Larkin. Note that the claims are now specifically limited to a bag which is prefilled with a dentifrice or shaving fluid. This is not an "intended use" but a structural, physical limitation. As previously argued, Nakamura does not satisfy such a claim limitation. To obtain applicant's invention from Nakamura one skilled in the power toothbrush/shaver art would have to remove ink from a prefilled bag thereof in Nakamura and replace it with a dentifrice or shaving fluid. There is no motivation for one skilled in the power toothbrush or shaver art to do so, nor would it be reasonable for such one skilled in the art to do so, apart from applicant's own disclosure. There is no teaching in Nakamura which is directed toward the specific limitation introduced in this amendment of a bag prefilled with a dentifrice or shaver fluid. Accordingly, claims 1 and 12 are patentable over the combination of Nakamura and Larkin.

Claims 1 and 12 have been further amended relative to the configuration of the upper edge of the bag. The upper edge of the bag now has two wing portions and a central portion which is sealed to a spout element. The central portion extends outwardly from the opposing sides of the spout element. The wing portions each include an open portion and a sealed remainder portion. The open portion of the wing portion is similar in width to the sealed remainder of the wing portions. Further, the remainder of the sealed portions is similar to the width of the central portion from the wing portion to the spout element. This configuration is different than the arrangement of Larkin, and provides the benefit of a continuously reliable sealing under pressure during use of the bag while permitting the side gussets to open fully for filling. The Larkin reference has a relatively small sealing portion for its wings, the sealing portion further extending directly to the spout element. It does not teach the precise arrangement

of the open wing portions, the sealed remainder of the wing portions and the sealed portions of the central portion now set forth in claim 1 and 12.

Accordingly, claims 1 and 12 define patentable subject matter over the references. Since the remaining claims are dependent on claim 6, those claims are also allowable.

Allowance of the application is now respectfully requested.

The Commissioner is authorized to charge any deficiency or credit any over payment to Deposit Account 12-1470.

Respectfully submitted,

JENSEN & PUNTIGAM, P.S.

By Clark A. Puntigam  
Clark A. Puntigam, #25763  
Attorney for Applicant